

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

ASSEMBLY POINT AVIATION, INC.,

Plaintiff,

-against-

RICHMOR AVIATION, INC. and MAHLON W.
RICHARDS,

Defendants.

**DECLARATION OF
JOHN J. HENRY**

Case No. 1:13-CV-298
(FJS-RFT)

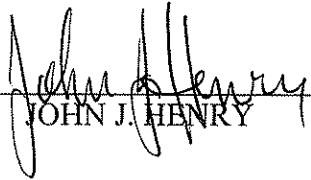
JOHN J. HENRY, ESQ., declares the following to be true under penalties of perjury pursuant to 28 U.S.C. § 1746:

1. I am a member of Whiteman Osterman & Hanna LLP, counsel for Plaintiff Assembly Point Aviation, Inc. in this matter.
2. I respectfully submit this affidavit in support of Plaintiff and Cynthia Suprenant's Order to Show Cause: (1) why the subpoena issued by Defendant to Albany Law School for Ms. Suprenant's private educational records should not be quashed and a protective order issued prohibiting Defendant from continuing to seek disclosure of that information; (2) why the subpoena issued by Defendant to JPMorgan Chase Bank, N.A. and JPMorgan Chase & Co. for Plaintiff's loan documents should not be quashed and a protective order issued prohibiting Defendant from continuing to seek the disclosure of that information; (3) awarding Plaintiff and Ms. Suprenant the reasonable expenses incurred in the making of this motion; and (4) granting Plaintiff and Ms. Suprenant such other relief as this court shall deem just, equitable, and proper.
3. Attached as Exhibit 1 is the April 14, 2014 letter from Defendants' counsel, Brian Quinn to me.

4. Attached as Exhibit 2 is the April 14, 2014 letter from me to Mr. Quinn.
5. Attached as Exhibit 3 is the April 19, 2014 letter from Mr. Quinn to me.
6. Attached as Exhibit 4 is Mr. Quinn's April 30, 2014 letter and accompanying subpoena.
7. Attached as Exhibit 5 is my April 30, 2014 letter to Albany Law School.
8. Attached as Exhibit 6 is my April 30, 2014 letter to Mr. Quinn.
9. Attached as Exhibit 7 is Mr. Quinn's April 30, 2014 letter to Albany Law School.
10. Attached as Exhibit 8 is Mr. Quinn's April 30, 2014 letter and my responding email.
11. Attached as Exhibit 9 is Mr. Quinn's May 1, 2014 letter and accompany subpoenas.
12. Attached as Exhibit 10 is my May 1, 2014 email to Mr. Quinn and his response.
13. Attached as Exhibit 11 is Albany Law School's May 2, 2014 letter to me.
14. Attached as Exhibit 12 is my May 6, 2014 letter to JPMorgan Chase Bank, N.A. and JPMorgan Chase & Co. To date I have not received a response to this letter.
15. An order to show cause is necessary as the return dates for the subpoenas to Albany Law School and JPMorgan Chase Bank, N.A. and JPMorgan Chase & Co. are set for May 30, 2014 and June 2, 2014 respectively. While Albany Law School has indicated that it will not produce any documents while Plaintiff and Ms. Suprenant's motion to quash is pending, JPMorgan has not responded to my letter indicating that we plan to move to quash the subpoena and requesting that they not produce any documents until the motion is decided.
16. For the reasons set forth in Plaintiff and Ms. Suprenant's accompanying memorandum of law, Plaintiff and Ms. Suprenant respectfully requests that this Court grant

Plaintiff and Ms. Suprenant's Order to Show Cause, quash the subpoena issued by Defendant to Albany Law School, quash the Subpoenas issued by Defendant to JPMorgan Chase Bank, N.A. and JPMorgan Chase & Co., issue a protective order prohibiting Defendant from continuing to seek the discovery and disclosure of Ms. Suprenant's private educational records, and issue a protective order prohibiting Defendant from continuing to seek the disclosure of Plaintiff's financial information and documents related to any loan applications it may have made.

I declare under penalty of perjury that the foregoing is true. Executed on May 8, 2014.



JOHN J. HENRY